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**TITLE 170 INDIANA UTILITY REGULATORY COMMISSION**

**Administrative Rules Oversight Committee Notice**  
**60 Day Requirement ([IC 4-22-2-19](#))**  
LSA Document #12-442

August 30, 2012

Senator R. Michael Young, Chairperson  
Administrative Rules Oversight Committee  
c/o Legislative Services Agency  
200 West Washington Street, Suite 301  
Indianapolis, Indiana 46204-2789  
Attn: Sarah Burkman, AROC Counsel

RE: LSA Document #12-442

Dear Senator Young,

On behalf of the Indiana Utility Regulatory Commission (Commission), I am submitting this written notice to the Administrative Rules Oversight Committee, with an electronic notice to the Indiana Register, in compliance with [IC 4-22-2-19](#). The Commission has been unable to initiate promulgation of the captioned rule within 60 days after the effective date of the statute that authorizes the rule. Under HEA 1126 (P.L.139-2012, SEC.3), effective March 19, 2012, Section 8.3 was added to [IC 8-1.5-3](#). This section stated that the Commission may execute a rulemaking in order to implement the new legislation. The Commission was required under [IC 4-22-2-19](#) to start the rule 60 days later, which was May 18. The rulemaking was started on July 24.

The delay in implementing a rulemaking was due to the complexity of the new legislation in that it created two distinct processes by which parties may petition the Commission for review of rate differential issues. The first process, which allows a municipality to petition for grandfathering of previously existing ordinances, sunsets on September 30, 2012. This shortened time frame required the immediate attention of the Commission and was addressed by the promulgation of a General Administrative Order, GAO 12-06, on June 14, 2012. The second process, the subject of this rulemaking, required extensive internal discussions in order to draft an accurate and effective emergency rule, which the Commission approved on July 11, 2011. Subsequently, the Commission initiated the permanent rulemaking. The Commission's Notice of Intent to Adopt a Rule was published in the Indiana Register on July 25, 2012 (DIN: [20120725-IR-170120442NIA](#)).

Please be assured that the Commission is proceeding, and will continue to proceed, in such a manner as to comply with the statutory deadlines and requirements of [IC 8-1.5-3-8.3](#) and [IC 4-22-2](#) in order to best serve the state of Indiana and its citizens.

If you have any questions or concerns, or would like additional information, please feel free to contact me via phone (317) 234-4715 or [cstephan@urc.in.gov](mailto:cstephan@urc.in.gov).

Sincerely,

Carol A. Stephan  
Assistant General Counsel

*Posted: 09/12/2012 by Legislative Services Agency*  
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